UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
HUNTSINGER, PETER K

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/699,236	OCHI, KENGO
	Examiner	Art Unit	
	Peter K. Huntsinger	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 September 2010</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>23-25,27-35 and 38-53</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>23-25,27-35 and 38-53</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/27/10

has been entered.

Response to Arguments

2.   Applicant's arguments filed 8/27/10 have been fully considered but they are not

persuasive.

The Applicant argues on pages 8 and 9 of the response in essence that:

Claim 48 clearly distinguishes the client terminal storing and not displaying display

information in response to a second request from displaying the previously un-displayed

information in response to a third request.

a.   Claim 48 contains limitations that contradict each other. Lines 10-12 state

that "the display information comprising a plurality of icons representative of the

status of the data processing apparatus, the display information being stored in

the client terminal without being displayed." Lines 16-18 of the claim state "and

the client terminal displays, based on the identification data, the one and only the

one of the plurality of previously stored and un-displayed icons representative of

the status of the data processing apparatus." The icons cannot be both "stored in the client terminal without being displayed", and displayed by the client terminal, and therefore claim 48 is indefinite. The Applicant has not provided any support that claim 48 would have the intended meaning discernable to one of ordinary skill in the art.

The Applicant argues on page 9 of the response in essence that:

Claim 41 is enabled because one of ordinary skill in the art would clearly understand that the claimed control information, as control information, could obtain the display information.

b.   The Examiner maintains that it is unclear what the Applicant intends by stating "wherein the display control information obtains the display information corresponding to the statuses." Information, not being a device or process, cannot functionally receive other information.

The Applicant argues on pages 11 and 12 of the response in essence that:

Roosen '793 discloses transmitting frame 45 including a plurality of updated status icons from the server to the client each time status is requested by the client, and fails to disclose wherein the client terminal displays the one and only the one of the plurality of previously stored and un-displayed icons representative of the status of the data processing apparatus.

c.   Roosen '793 discloses that the workstation display screen displays a

window in which the user can select one of the printers for the monitor function

(page 5, paragraph 87). When the workstation display screen is only monitoring

one printer, frame 45 would include only the one and only the one of the plurality

of previously stored and un-displayed icons representative of the status of the

data processing apparatus.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 48-53 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

5.   Claim 41 states "wherein the display control information obtains the display

information corresponding to the statuses." It is unclear how information can obtain

information, and therefore claim 41 is indefinite.

6.   Claim 48 states in lines 10-12 "the display information comprising a plurality of

icons representative of the status of the data processing apparatus, the provided display

information being stored in the client terminal without being displayed." Lines 16-18 of

the claim state "and the client terminal displays, based on the identification data, the

one and only the one of the plurality of previously stored and un-displayed icons

representative of the status of the data processing apparatus." The icons cannot be

both "stored in the client terminal without being displayed", and displayed by the client

terminal, and therefore claim 48 is indefinite.   Claim 51 contains similar limitations.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 23-25, 27-35 and 38-53 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Roosen Publication 2002/0036793, in further view of Maki Patent

7,293,067.

Referring to **claims 23 and 39**, Roosen '793 discloses wherein the display

control information for controlling the display of a status of the data processing

apparatus is assigned identification data corresponding to that status (Fig. 3, page 3,

paragraph 47-48, displays printer name).

Referring to **claims 24 and 40**, Roosen '793 discloses a status is displayed by

selecting display information associated with the identification data relating to that

status, and controlling the display of the status using the display control information

(page 6, paragraph 104, a specific printer may be selected and information

corresponding to that printer will be provided).

Referring to **claim 25**, Roosen '793 discloses a status is displayed with its identification data (page 6, paragraph 104, device statutes frame presents statuses of all printers).

Referring to **claim 27**, Roosen '793 discloses wherein the data processing apparatus stores information relating to its status (page 6, paragraph 109, web server sends status information to the workstation [the status information must be stored before it can be sent]).

Referring to **claim 28**, Roosen '793 discloses status update information is determined when the status of the data processing apparatus changes (page 4, paragraph 56, workstation notified at the time that a change of printer status occurs).

Referring to **claim 29**, Roosen '793 discloses wherein the client terminal stores information relating to the status of the data processing apparatus (page 6, paragraph 109, browser of workstation receives status from web server [received status must be stored before it is displayed]).

Referring to **claim 30**, Roosen '793 discloses the client terminal compares stored status information with status update information received from the data processing apparatus in response to the subsequent data request in order to determine the updated status (page 3, paragraph 44, mode information is dynamic).

Referring to **claim 31**, Roosen '793 discloses wherein the data processing apparatus stores update interval information for controlling an interval for the transmission of status update information (page 6, paragraph 109, browser asks for updated frames at predetermined intervals).

Referring to **claim 32**, Roosen '793 discloses status requests are provided to the data processing apparatus at an interval based on the update interval information (page 6, paragraph 109, browser asks for updated frames at predetermined intervals).

Referring to **claims 33 and 42**, Roosen '793 discloses wherein the data processing apparatus is an image forming apparatus (printer 200 of Fig. 2c, page 1-2, paragraph 19) (page 7, paragraph 111, web server can be built into each printer).

Referring to **claims 34 and 43**, Roosen '793 discloses the status of the data processing apparatus indicates that it is able to perform a print function, or that there is an error (page 4, paragraph 64, display states of the printer including idle and error).

Referring to **claims 35 and 44**, Roosen '793 discloses status information, but does not indicate expressly indicating an error type.

Maki '067 discloses the status information indicates an error type (col. 8, lines 10-40, icon information indicates an operated state (ready), a paper shortage state (no paper), and a jam occurrence state (paper jammed) as shown in FIG. 9).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to indicate an error type. The motivation for doing so would have been to notify a user of the cause of a printer error so that corrective measures could be taken. Therefore, it would have been obvious at the time of the invention to combine Maki '067 with Roosen '793 to obtain the invention as specified in claims 35 and 44.

Referring to **claim 38**, Roosen '793 discloses means for generating status update information when the status of the apparatus changes (page 4, paragraph 56, workstation notified at the time that a change of printer status occurs).

Referring to **claim 41**, Roosen '793 discloses wherein the display control

information obtains the display information corresponding to the status update

information (Fig. 3, page 3, paragraph 47-48, displays a symbol indicating the status of

the printer).

Referring to **claims 45 and 48**, Roosen '793 discloses a method of controlling

the display on a client terminal of a status of a data processing apparatus (PR of Fig. 1,

pages 1-2, paragraph 19) connected to the client terminal (WS of Fig. 1, page 1-2,

paragraph 19) via a network comprising:

transmitting a first request for display control information to the data processing

apparatus (page 6, paragraph 109, browser of workstation asks for updated frames at

predetermined intervals from web server);

providing the display control information to the client terminal in response to the

first request and thereafter storing the display control information (page 6, paragraph

99, web server dynamically prepares a web page containing the request information

and sends the prepared web page to the requesting browser of a workstation);

transmitting a second request for display information to the data processing

apparatus based on the stored display control information (page 6, paragraph 109,

browser of workstation asks for updated frames at predetermined intervals from web

server [subsequent request]);

providing the display information from the data processing apparatus to the client

terminal in response to the second request, the display information being stored in the

client terminal without being displayed (page 6, paragraph 99-100, web server

dynamically prepares a set of web pages containing the request information and sends

the prepared web pages to the requesting browser of a workstation [which must be

stored in RAM before it can be displayed]);

transmitting a third request to the data processing apparatus subsequent to

storing the display information, wherein in response to the third status request, the data

processing apparatus transmits identification data representative of the status of the

data processing apparatus to the client terminal, and the client terminal displays, based

on the identification data, the one and only the one of the plurality of previously stored

and un-displayed icons representative of the status of the data processing apparatus

(Fig. 12, page 5, paragraphs 90-93, monitor icons indicate status of the printers

including active and error states) (page 5, paragraph 87, the workstation display screen

displays a window in which the user can select one of the printers for the monitor

function).

Roosen '793 does not disclose expressly providing display information from the

data processing apparatus comprising a plurality of icons.

Maki '067 discloses providing display information from the data processing

apparatus to the client terminal, said display information comprising a plurality of icons

representative of the status of the data processing apparatus (col. 17, lines 1-14, the

color LBP 101 can transmit response packets including icon information to the client

111).

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to provide icons from the data processing apparatus to the client

apparatus. The motivation for doing so would have been to prevent requiring icon

information to be installed beforehand on each client. Therefore, it would have been

obvious at the time of the invention to combine Maki '067 with Roosen '793 to obtain the

invention as specified in claims 45 and 48.

Referring to **claims 46, 49 and 52**, Roosen '793 discloses status information, but

does not indicate expressly indicating an error type.

Maki '067 discloses wherein the display information comprises an ordinary

status icon, a slight fault status icon and a grave fault status icon (col. 8, lines 10-40,

icon information indicates an operated state (ready), a paper shortage state (no paper),

and a jam occurrence state (paper jammed) as shown in FIG. 9).

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to indicate an error type. The motivation for doing so would have been to

notify a user of the cause of a printer error so that corrective measures could be taken.

Therefore, it would have been obvious at the time of the invention to combine Maki '067

with Roosen '793 to obtain the invention as specified in claims 46, 49 and 52.

Referring to **claims 47, 50 and 53**, Roosen '793 discloses wherein the data

processing apparatus transmits a status information updating frame after transmitting a

non-displayed status information storing frame, wherein the client terminal constructs a

frame from the status information storing frame and the status information updating

frame (page 6, paragraph 99-100, web server dynamically prepares a set of web pages

containing the request information with fill in boxes and sends the prepared web pages

to the requesting browser of a workstation).

Maki '067 discloses wherein the data processing apparatus transmits display

information for an ordinary status icon, a slight fault status icon and a grave fault status

icon (col. 8, lines 10-40, icon information indicates an operated state (ready), a paper

shortage state (no paper), and a jam occurrence state (paper jammed) as shown in FIG.

9).

Referring to **claim 51**, Roosen '793 discloses a data processing apparatus (PR of

Fig. 1, pages 1-2, paragraph 19) which communicates with a client terminal, the data

processing apparatus (WS of Fig. 1, page 1-2, paragraph 19) comprising:

means for storing display control information, said display control information for

controlling the client terminal to display the status of the data processing apparatus

(page 6, paragraph 99, web server dynamically prepares a web page containing the

request information and sends the prepared web page to the requesting browser of a

workstation);

means for storing status information (page 6, paragraph 109, web server sends

status information to the workstation [the status information must be stored before it can

be sent]); and

means for communicating with the client terminal (page 1-2, paragraph 19,

printers includes a connection unit);

wherein the communication means is arranged to provide the display control

information to the client terminal in response to a first request (page 6, paragraph 109,

browser of workstation asks for updated frames at predetermined intervals from web

server), and to provide status update information to the client terminal in response to a

third request, the status update information being provided subsequent to providing the

display information (page 6, paragraph 109, browser of workstation asks for updated

frames at predetermined intervals from web server), and

wherein the display information is stored and not displayed in the client terminal

upon being provided by the communication means (page 6, paragraph 99-100, web

server dynamically prepares a set of web pages containing the request information and

sends the prepared web pages to the requesting browser of a workstation [which must

be stored in RAM before it can be displayed]);

wherein the status update information comprises identification data

representative of the status of the data processing apparatus, and the client terminal

displays, based on the provided identification data, the one and only the one of the

plurality of previously stored and un-displayed icons representative of the status of the

data processing apparatus (Fig. 12, page 5, paragraphs 90-93, monitor icons indicate

status of the printers including active and error states) (page 5, paragraph 87, the

workstation display screen displays a window in which the user can select one of the

printers for the monitor function).

Roosen '793 does not disclose expressly providing display information from the

data processing apparatus comprising a plurality of icons.

Maki '067 discloses providing display information comprising a plurality of icons

representative of the status of the data processing apparatus to the client terminal in

response to a second request (col. 17, lines 1-14, the color LBP 101 can transmit

response packets including icon information to the client 111);

wherein the display information comprising the plurality of icons is stored in the

client terminal upon being provided by the communications means (col. 17, lines 1-14,

the color LBP 101 can transmit response packets including icon information to the client

111).

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to provide icons from the data processing apparatus to the client

apparatus. The motivation for doing so would have been to prevent requiring icon

information to be installed beforehand on each client. Therefore, it would have been

obvious at the time of the invention to combine Maki '067 with Roosen '793 to obtain the

invention as specified in claim 51.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peter K. Huntsinger whose telephone number is

(571)272-7435. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Moore can be reached on (571)-272-7437. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter K. Huntsinger/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625